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March 31, 1999 LB 216, 267

SPEAKER KRISTENSEN: LB 267 advances. We next move to LB 216.

CLERK: (LB) 216, Mr. President, by Senator Vrtiska. (Read title.) The bill was introduced on January 11, referred to the Business and Labor Committee. The bill was advanced to General File.

SPEAKER KRISTENSEN: Senator Vrtiska, you're recognized to open.

SENATOR VRTISKA: Thank you, Mr. Speaker, members of the body. LB 216 is a bill that was brought to me by the Workers' Compensation Court, and it makes certain changes and adjustments in our workers' comp law that have been...have arisen since the passage of 757, in 1993, which I'm sure many of you are acquainted with, 757, which was a bill that in fact has done a great deal for the Workers' Comp Court and the people who are helped by that particular piece of legislation. Most of the changes in this bill, I have to let you know, are housekeeping measures, or there are some minor adjustments to cover areas that were not anticipated when the original bill was passed in 1993. This bill and the section of the bill I will present as an amendment is...really just represents, I believe, a cleanup on the workers' comp statutes. The first change in LB 216 deals with the change of physician provision in Section 48-120. Currently, after the initial choice of physician is made, it cannot be changed without the consent of both the employer and the compensation court. Unfortunately, if the employee does not know about the restriction, it can result in the employee being liable for any fees incurred after a change is made. And to correct this problem, in LB 216, we amended this section to provide that the restriction on change of physician only applies when the employer has given notice to the employee of the right regarding the choice of physician. This means that the employer must give the employee notice of the rule regarding change of physician. And this change has been narrowly drafted to remain consistent with the provisions that were originally in LB 757. Another change in LB 216 deals with the independent medical examiner system established in LB 757. The law was amended to allow the compensation court, on its own motion, to submit a dispute for a medical finding to an independent medical examiner. The physicians on the independent medical examiner